

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES TALBERT,

Plaintiffs,

v.

BLANCHE CARNEY, et al.,

Defendants.

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**Civil Action
No. 18-1620**

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of the Motion to Compel filed by the Defendants, it is **HEREBY ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** that Plaintiff shall respond to the Defendant's Requests for Production and Interrogatories within ten (10) days of the entry of this Order.

BY THE COURT:

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DEFENDANT'S MOTION TO COMPEL

Defendants, Blanche Carney, Gerald May and Terrance Clark, by and through the undersigned counsel, hereby files this Motion to Compel pursuant to Federal Rule of Civil Procedure 37(a). In support of this Motion, the Defendant incorporates the attached Memorandum of Law. The Defendant respectfully requests that this Court order Plaintiff to respond to its Requests for Production within ten days.

Date: July 9, 2019

Respectfully submitted,

/s/ Steven R. Bryson

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MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION TO COMPEL

Plaintiff Charles Talbert failed to produce documents in response to requests made by the Defendants. Therefore, the Court should grant this motion to compel.

I. BACKGROUND

On April 22, 2019, Defendant’s served Plaintiff’s previous counsel with interrogatories and requests for production. *See* Exhibit A. Plaintiff responded to these discovery requests on April 28, 2019. *See* Exhibit B. In part, Plaintiff stated, “Response to your Request for Production, will be executed once I obtain all documents within Carneys possession, other that documents already in my possession”. On July 8, 2019, Defendants deposed Plaintiff in which he disclosed the existence of documents he created contemporaneously to several of the alleged incidents. Currently, Plaintiff has not produced any documents.

II. ARGUMENT

Under Federal Rules of Civil Procedure 33 and 34, Plaintiff should have responded to the City’s discovery requests by May 22,2019. Plaintiff’s responses are now several months overdue, and his failure to produce documents may prejudice Defendants. Furthermore, this Honorable Court ordered discovery to be completed by July 9, 2019. Defendants were not made aware of the

existence of said documents and could not properly depose Plaintiff about the contents of the documents because of Plaintiff's failure to adequately respond to discovery requests. Therefore, the Court should grant this motion and require Plaintiff to produce documents within ten days of the Court's order. Moreover, Defendants request leave to depose Plaintiff again, if deemed necessary once documents are produced.

III. CONCLUSION

For the foregoing reasons, the Court should grant the Motion to Compel.

Date: July 9, 2019

Respectfully submitted,

/s/ Steven R. Bryson
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CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Motion to Compel was filed via the Court's electronic filing system and mailed to Plaintiff at the below address.

Charles Talbert
PPN 810247
CFCF
7901 State Road
Philadelphia, PA 19136
Appearing pro se

Date: March 13, 2017

Respectfully submitted,

/s/ Steven R. Bryson
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